



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

056387-2

Issuance Date:

May 12, 2005

Stream:

Coal River

Closing Date:

June 11, 2005

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-FS Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act.

APPLICANT: Alum Creek Sand Company
P.O. Box 74
Alum Creek, West Virginia 25003

LOCATION: The proposed project would be located in and along the Coal River, a navigable water of the U.S., near the Town of Alum Creek, in Kanawha County, West Virginia (latitude 38° 17' 24" and longitude 81° 48' 24"). **Drawing No. 1** depicts the location of the proposed project.

DESCRIPTION OF THE PROPOSED WORK: The permit to dredge material from 700 linear feet of stream at this location expired December 31, 2004. The applicant is requesting a new permit to dredge material from 3,000 linear feet of stream at the site. Sand, coal and gravel would be removed to a depth approximately 20 feet below the surface of the streambed. The top of the dredge cut slope would be no closer than 25 feet from the shoreline. The proposed site plan is **Drawing No. 2** is a copy of the proposed site plan and **Drawing No. 3** depicts a typical river cross-section of the proposed project.

The purpose of the project is to remove material by electric dredge for pipeline transport to a processing plant on the right descending bank. Coal, sand and gravel would be separated for sale. Debris would be disposed at an upland site and water would be discharged back into the river.

Pursuant to Section 402 of the Clean Water Act, all point-source discharges at the site are regulated by the National Pollutant Discharge Elimination System (NPDES) administered by the West Virginia Department of Environmental Protection-Division of Water and Waste Management.

ALTERNATIVE ANALYSIS: This project would be considered water dependent; therefore, the applicant is not required to show that other less damaging practicable alternatives are available that would achieve the applicant's goal.

MITIGATION PLAN: Mitigation is not proposed for this project.

HISTORIC AND CULTURAL RESOURCES: This public notice serves as coordination with the State Historic Preservation Officer regarding historic properties. If the West Virginia Division of Culture and History (WVDCH) believe any potential effects to historic properties may result from the proposed permitting action, we request the WVDCH provide information to this office pursuant to Section 106 of the National Historic Preservation Act.

ENDANGERED/THREATENED SPECIES REVIEW: This public notice also serves as coordination with the U. S. Fish and Wildlife Service (USFWS) regarding threatened or endangered species. If the Service believes any potential effects to federally listed species would be attributable to the Huntington District's proposed permitting action, we request the Service provide any additional information pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.


Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

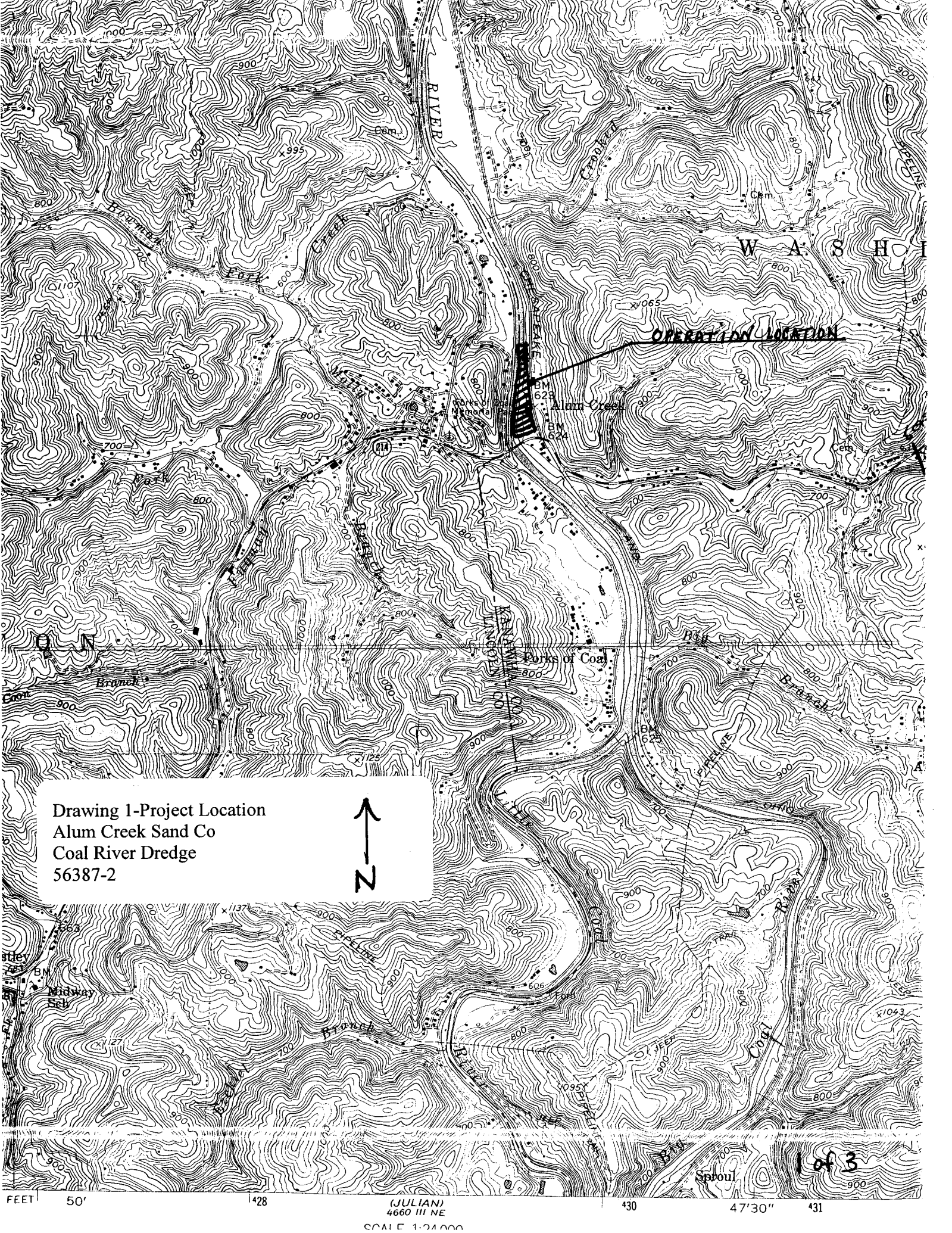
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U. S. Army Corps of Engineers
ATTN: CEORH-OR-F Public Notice No. 56387-2
502 Eighth Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please call Mr. Richard Hemann of the South Regulatory Section at 304-399-5710.

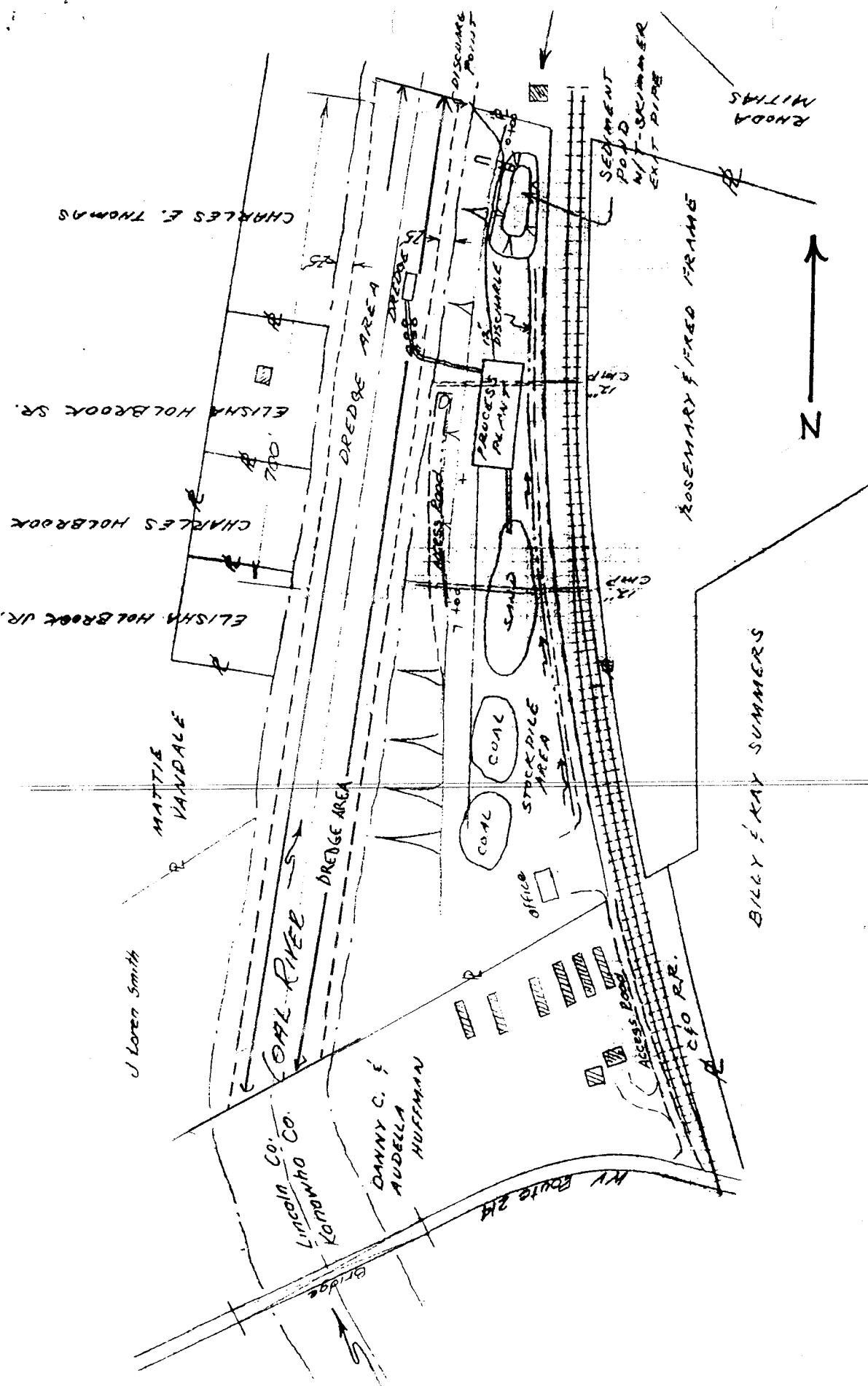

Ginger Mullins, Chief
Regulatory Branch

(W)



Drawing 1-Project Location
Alum Creek Sand Co
Coal River Dredge
56387-2





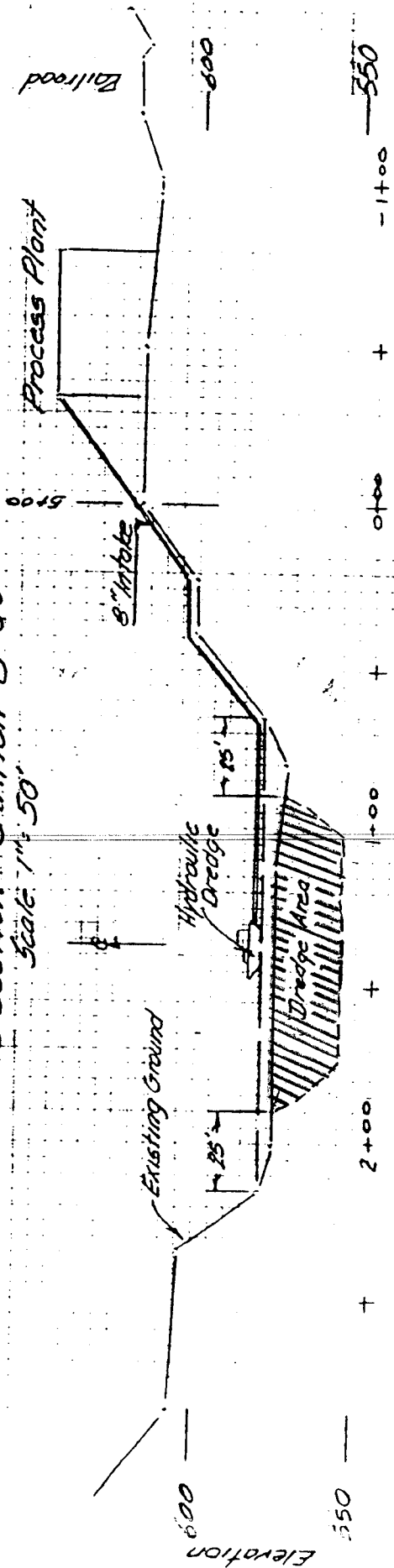
Drawing 2-Proposed Site Plan
 Alum Creek Sand Co.
 Coal River Dredge
 56387-2

LEGEND

- DITCHLINE
- ~ FLOW

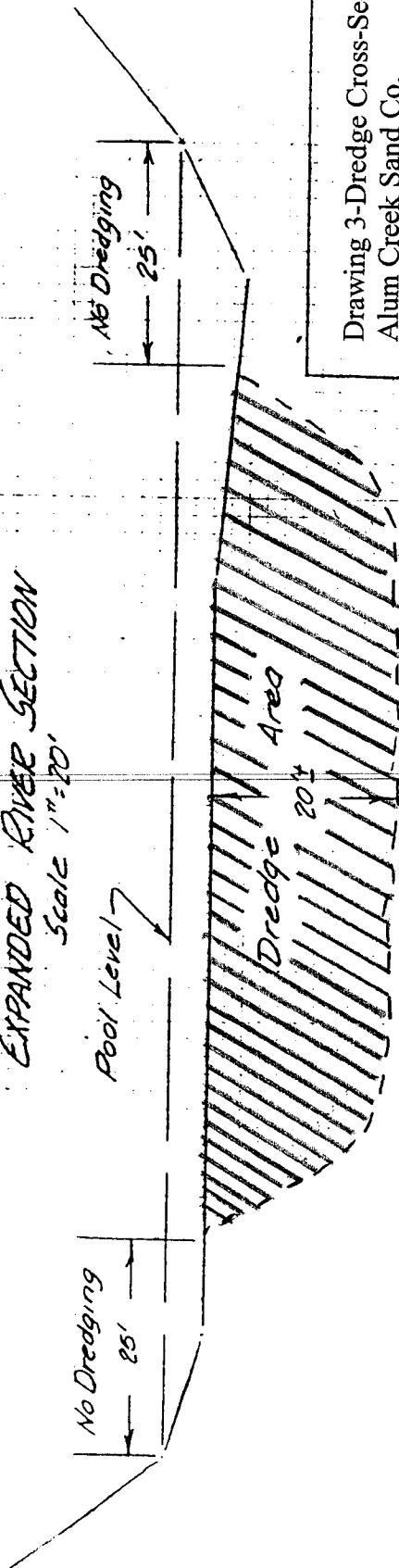
CROSS SECTION STATION 5+00

Scale 1"=50'



EXPANDED RIVER SECTION

Scale 1"=20'



Drawing 3-Dredge Cross-Section
Alum Creek Sand Co.
Coal River Dredge
56387-2